

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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MALIBU MEDIA, LLC,	:	
	:	
Plaintiff,	:	Case No. 1:19-cv-07189-JGK
	:	
vs.	:	
	:	
YI-TING CHEN,	:	
	:	
Defendant.	:	
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MOTION FOR ALTERNATE SERVICE ON DEFENDANT YI-TING CHEN

NOW COMES the Plaintiff, Malibu Media, LLC, through the undersigned attorneys, who moves under Federal Rule of Civil Procedure 4(e)(1), and New York Consolidated Laws CVP § 308(5), for an order permitting alternate service of the December 16, 2019 Summons and Amended Complaint on Defendant Yi-Ting Chen as follows:

1. This Court should permit alternate service of the summons and Amended Complaint on Defendant Yi-Ting Chen, because Plaintiff has tried unsuccessfully to serve him personally several times, thus making personal service impracticable.

2. This Court should permit alternate service of the summons and complaint on Defendant Yi-Ting Chen, because the proposed alternate service is reasonably calculated to give him notice and an opportunity to be heard in this action, thus according with the basic procedural due process requirements.

3. As shown in the attached sworn affidavits of process server Frederick Pringle and Euclide Decastro, Mr. Pringle attempted to serve Defendant Yi-Ting Chen two times at his last known address, 350 W 42nd Street, Apt. 27G, New York, NY 10036 (the “Last Known Address”).

See Affidavit of Attempted Service sworn to by Frederick Pringle, attached hereto as Exhibit “A.”

4. During each service attempt, there was no answer at the residence. *Id.* On January 15, 2020, the doorman at the building attempted to contact Defendant but there was no answer *Id.* On January 22, 2020, Mr. Pringle was escorted by the doorman to Defendant’s apartment. Mr. Pringle knocked on the door but there was no answer *Id.*

5. On January 23, 2020 Plaintiff’s process server, Mr. Euclide Decastro attempted to serve Defendant. Mr. Decastro noted that he heard sounds inside the apartment, but no one answered.

6. Plaintiff, via the process servers, have tried to serve Defendant Yi-Ting Chen and the process server has concluded that he failed to serve Defendant at the Last Known Address.

7. As a result, personal service is impracticable.

8. However, the proposed alternate service requested in paragraph B below is reasonably calculated to notify the Defendant of the action and give him an opportunity to be heard.

9. Due to Plaintiff’s diligence in attempting to serve despite Defendant’s possible avoidance of service, Plaintiff also requests twenty-one days from the date of an Order on this Motion to serve Defendant Yi-Ting Chen by alternate service.

10. A memorandum of law in support of this motion, and proposed order are filed contemporaneously herewith.

THEREFORE, Plaintiff respectfully requests this Court to:

A. Grant this motion.

B. Permit Plaintiff twenty-one (21) days to serve Defendant Yi-Ting Chen by alternate service, including posting at his Last Known Address and sending a summons and copy

of the Amended Complaint by registered or certified mail, return receipt requested, and delivery restricted to the addressee at the Last Known Address.

Dated: May 15, 2020

Respectfully submitted,

By: /s/ Kevin T. Conway
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CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2020, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Kevin T. Conway
Kevin T. Conway, Esq.